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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA
Nirvachan Sadan, Sector- 17, Panchkula, Haryana – 134109

Order

The 17th March, 2021

No. SEC/3ME/2021/681.— The General Election of Municipal Corporation, Panipat was held on 16.12.2018 and the result of the elected candidates was declared on 19.12.2018.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8E of the Haryana Municipal Corporation Act, 1994 further provides that if the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its notification No. SEC/3ME/2017/879, dated 18.05.2017 and notification No. SEC/3ME/2018/5582, dated 14.11.2018 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs.5,00,000/- for the member and Rs.20,00,000/- for the Mayor that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Panipat and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 9(1A) of the Haryana Municipal Corporation Act, 1994 authorized Assistant State Election Commissioner, State Election Commission, Haryana *vide* order No. SEC/1ME/2020/1833, dated 12.11.2020 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses within the prescribed time.

6. As reported by the Deputy Commissioner, Panipat, the following candidates had contested the election of Municipal Corporation Panipat held on 16.12.2018 but failed to submit their election expenditure account:-

Sr. No.	Name of Candidate	Father/Husband's Name	Post/Ward No.
1.	Sarita	Surender	19
2.	Suman Rani	Surender	24
3.	Ram Shankar	Mata Prasad	25

7. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them an opportunity of personal hearing on 21.12.2020 at 12.30 PM in the office of State Election Commission, Haryana, "Nirvachan Sadan", Plot No.2, Sector-17, Panchkula in the interest of natural justice. The Executive Officer, Municipal Corporation, Panipat was present and submitted letters dated 11.12.2020. It has been observed that notice of personal hearing has been delivered to all the candidates in person or through their family members.

8. During personal hearing, Sh.Vikas, brother-in-law of candidate mentioned at Sr.No.1 appeared for personal hearing on behalf of candidate mentioned at Sr.No.1. He has stated that the election expenditure statement was submitted in the court concerned but he could not submit any proof in this regard. Thus it is presumed that the said candidate has failed to file her election expenditure within the prescribed time limit and deserves to be disqualified.

9. Sh.Surender, husband of candidate mentioned at Sr.No.2 appeared for personal hearing on behalf of his wife and submitted her election expenditure statement during personal hearing. Election expenditure statement was required to be submitted within thirty days after the declaration of election result. But the said candidate has not explained the reason of filing election expenditure statement beyond prescribed time limit. Thus it is presumed that the said candidate has failed to file her election expenditure within the prescribed time limit and deserves to be disqualified.

10. Sh.Rajender, friend of candidate mentioned at Sr.No.3 appeared for personal hearing on behalf of candidate mentioned at Sr.No.3 but neither the election expenditure statement nor any reason has been submitted. Thus it is presumed that the said candidate has failed to file his election expenditure within the prescribed time limit and deserves to be disqualified.

11. After personal hearing, the order was announced.

12. On perusal of record of the case and after hearing of the candidates, I am satisfied that the above said candidates has failed to lodge an account of election expenditure, within the time and in the manner required by or under this Act. Moreover, above said candidates has submitted no good reason or justification for their failure to submit election expenditure account. Therefore, they deserve to be disqualified. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that all the above mentioned 3 candidates are disqualified under section 8E of the Haryana Municipal Corporation Act, 1994 for being chosen as, and for being a member of Municipality for a period of five years from the date of this order.

13. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Panipat immediately.

Panchkula:
The 12th March, 2021.

PARMAL SINGH,
Asstt. State Election Commissioner, Haryana.